

The Honorable Kymberly K. Evanson

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, et al.,

Defendants.

NO. 2:25-cv-01228-KKE

DECLARATION OF IREM TUMER

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I, Irem Tumer, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am Vice President for Research and Innovation of Oregon State University (“OSU”). I am over the age of 18 and have personal knowledge of all the facts stated herein, including knowledge based on my experience and information provided to me. If called as a witness, I could and would testify competently to the matters set forth below.

2. I submit this Declaration in support of the Plaintiff States’ Motion for Preliminary Injunction.

Background

3. I am Vice President for Research and Innovation at OSU, and I have held that position since November 2018. Prior to joining OSU, I spent eight years working at NASA Ames Research Center as a research scientist, group lead, deputy area lead, and program manager. In that role, I oversaw many grant activities internally as well as externally with universities. I joined OSU in 2006 as a faculty member and conducted research with a large group of postdoctoral fellows, graduate students, and undergraduate students, who all depended on federal awards for their research and training as the next-generation science, technology, engineering and mathematics (“STEM”) workforce. For five years prior to taking my position as OSU’s Vice President for Research and Innovation, I served as the Associate Dean for Research in the College of Engineering, one of the largest colleges at OSU and seventh-largest engineering college in the nation, where I supported the work of faculty members and students whose success greatly depended on federal awards. The totality of the experiences in my career to date make

me well qualified to discuss the effects of federal awards and the various impacts associated with conducting the cutting-edge research and innovation for which our country is known.

OSU

4. OSU is a comprehensive research university and the largest public research university in the state of Oregon with a main campus in Corvallis, the OSU-Cascades campus in Bend, and the Hatfield Marine Science Center in Newport. OSU was created by the state of Oregon for the purpose of providing public higher education.

The Department's Funding and Discontinuance of Grant Award S184X230055

5. The Mental Health Service Professional Demonstration Grant (MHSP) attracts candidates for school-based mental health professions, including school counseling, and provides training opportunities for students in rural and other high-needs local educational agencies (LEAs; also referred to as school districts or educational service districts). MHSP facilitates partnerships between high-needs school districts and institutions of higher education, allowing opportunities for practicum students and interns to obtain required clinical supervision and increase additional children and youth's access to school mental health services.

6. OSU applied for a multi-year MHSP grant on January 26, 2023.

7. In its application, OSU explained Oregon State University-Cascades (OSU-C), partnered with High Desert Education Service District (HDESD) and four Central Oregon school districts (Jefferson County 509J, Bend-La Pine, Redmond, and Crook County). Oregon has experienced a significant decline in community-based and residential services for mental health. Much of Crook, Deschutes, and Jefferson Counties are identified as medically under-served areas and classified as mental health professional shortage areas by the Health Resources and Services Administration. Currently in Central Oregon, there are no intensive inpatient services offered for

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children and adolescents. Additionally, community-based mental health service providers are reporting a three- to five-week waiting period to connect with an outpatient mental health provider. In addition to these shortages, there is also a shortage of school-based mental health providers in Central Oregon that OSU-Cascades is uniquely positioned to address due to its location in Central Oregon. To meet that year's MHSP program priorities, OSU proposed the following goals for its MHSP project: (i) Recruit a pipeline of diverse school counseling graduates, (ii) Train interns, (iii) Place interns in high-needs schools and match them with mentor supervisors, (iv) Support professional development of interns and mentor supervisors, and (v) Employ program graduates in school counseling positions in high-needs schools.

8. On March 30, 2023, the Department awarded OSU, "Promoting and Advancing Training of High Desert School Counselors (PATH-SC)," Award No. S184X230055. The Grant Award Notification is attached as Attachment 1. The performance period for this grant was 04/01/2023 to 12/31/2027, and authorized \$424,097 in funding for the initial budget period of 04/01/2023 to 12/31/2023.

9. The Department granted continuation awards that funded subsequent budget periods: (i) Added \$121,204 in Grant Notification Award Action Number 2 to initial budget period of 04/01/2023 to 12/31/2023; (ii) Added \$668,921 to in Grant Notification Award Action Number 3 dated December 28, 2023, to complete funding for second budget period and partially fund the third budget period of 1/01/2025 to 12/31/2025. Attachment 8; Attachment 9. Most recently, the Department issued a Grant Notification Award Action Number 6, continuing funding for this grant on December 18, 2024, in the amount of \$668,316 to fund the third budget period. The current budget period started on 01/01/2025 and ends on 12/31/2025. Attachment 2.

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10. Since the Department has awarded OSU this grant, the PATH-SC team has met or exceeded the project aims and received positive feedback from the Department. The PATH-SC project has submitted annual progress reports that show progress toward the aims of the grant. Attachment 6 (2023 Progress Report); Attachment 7 (2024 Progress Report). The Department provided positive feedback of the PATH-SC progress. By email, the Department program officer stated, “After reviewing your Annual Performance Report (APR), the program office has determined that substantial progress has been made towards achieving the goals and objectives of the project, and the grant’s performance targets.” Attachment 5.

11. In my experience, discontinuance of a Department of Education project’s funding is rare and I have never had a Department of Education project’s funding discontinued or terminated. To my knowledge, prior to 2025, discontinuance or termination has only occurred in cases of misconduct, typically with prior notice and opportunities to respond and correct any underlying issues.

12. Nevertheless, on April 29, 2025, the Department sent notice that Oregon State University’s MHSP award would be discontinued at the end of the grant’s current budget period, which is 12/31/2025. Given that the Department originally approved this grant’s performance period through 12/31/2027, Oregon State University faces a loss of \$1,972,675 in prospective funding, including \$923,629 that it had expected to receive for the upcoming 2026 calendar year. Attachment 3.

13. The notice came without any previous process or communication about the discontinuance from the Department. It purported to discontinue the grant based on 34 C.F.R. § 75.253(a)(5) and (f)(1). These regulations allow the Department to not continue a grant if it determines that continuation of the project is not in “the best interest of the Federal Government.”

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34 C.F.R. § 75.253(a)(5); 34 C.F.R. § 75.253(f)(1). In making this determination, the Department limited its considerations to “any relevant information regarding grantees’ performance.” 34 C.F.R. § 75.253(b). However, this notice failed to cite anything regarding OSU’s performance.

14. Rather, the Department “determined that the grant specified above provides funding for programs that reflect the prior Administration’s priorities and policy preferences and conflict with those of the current Administration.” It then went on in boilerplate fashion to list a variety of unsubstantiated reasons, claiming the programs: “violate the letter or purpose of Federal civil rights law; conflict with the Department’s policy of prioritizing merit, fairness, and excellence in education; undermine the well-being of the students these programs are intended to help; or constitute an inappropriate use of federal funds.” Based on this boilerplate language, Oregon State University has no way of knowing which reason(s) applied as the Department’s basis for discontinuing the MHSP grant for PATH-SC and why.

15. On May 29, 2025, OSU submitted a request for reconsideration of the PATH-SC award’s non-continuation. OSU received acknowledgment of receipt from the Department but has received no substantive response or timeline for substantive response. On June 30, 2025, Oregon State University withdrew its request for reconsideration.

Harms from the Department’s Decision to Discontinue Oregon State University’s Grant

16. The discontinuance of the Oregon State University MHSP grant will end PATH-SC as it currently exists, causing irreparable harm.

17. Although OSU can still access funding through the end of our current budget period on 12/31/2025, OSU is already experiencing the harmful effects of this discontinuance. PATH-SC has approximately 23 students who will lose their scholarships. These students currently receive

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funding that covers their entire tuition for the duration of their academic program, which is two or three years. Their academic progress may be delayed or impeded by the lack of financial support. PATH-SC has 11 interns who will lose their grant-supported living stipend in 2026 in the middle of the academic term, and a projected 14 interns in 2027 will not receive a living stipend. After the PATH-SC program federal funding ends, these interns will provide services through the end of the current academic year without a living stipend. For the following academic year, the PATH-SC program is no longer able to offer a living stipend and services to the medically underserved and rural area public schools will be negatively impacted. There is no way to recover lost time or restore continuity once disrupted, and staff who depart will take their training and expertise with them, requiring new investment in recruitment, hiring, and training.

18. Community impacts are far reaching, in the 2023-2024 academic year, PATH-SC trainees dedicated 3,682 totals hours of service on site at Central Oregon schools. In those 3,682 hours, PATH-SC recipients provided: (i) 532 K-12 students access to individual counseling, (ii) 689 K-12 students access to group counseling sessions, (iii) over 1,000 students access to services through classrooms lessons. This totals 3,883 unduplicated K-12 students served in one academic year. These activities will be severely reduced in the future canceled budget periods, and these services may be impacted in the middle of the K-12 schools' academic year.

19. Similar results were achieved in the 2024-2025 academic year, PATH-SC trainees dedicated 3,809 totals hours of service on site at Central Oregon schools. In those 3,809 hours, PATH-SC recipients provided: (i) 308 K-12 students access to individual counseling, (iii) 640 K-12 students access to group counseling sessions, (iii) over 1,000 students access to services through classrooms lessons. This totals 2,536 unduplicated K-12 students served in one

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academic year. These activities will be significantly reduced in the future canceled budget periods.

20. Moreover, if the Department does not rescind its discontinuation decision, hard-earned relationships with Central Oregon School Districts will be negatively impacted, further negatively impacting OSU's outreach and engagement mission as Oregon's land grant university. Several partnership schools have integrated the Professional Development Schools (PDS) model into their school schedule which supports K-12 teacher professional development through a partnership with OSU-Cascades. Due to the predicted low numbers of enrolled school counseling students because of the loss of Department funding, we may be forced to discontinue this model at one or more sites, potentially causing significant disruptions for teachers, students, and staff. The loss of PATH-SC funding would also result in the discontinuation of high-quality professional development opportunities for working school counselors in partnership districts and associated training stipends. Furthermore, school counseling students from more rural districts, such as Crook County, who depend on PATH-SC grant funding to attend graduate school, may no longer be able to attend. This would severely limit collaboration opportunities and reduce critical support for some of our partner schools that have K-12 student populations with few local counseling support resources.

21. Even if the Department were to re-bid MHSP funds, and Oregon State University were to receive a new grant award, the harm would already be done. Pipelines for school counselors in the medically underserved areas or rural areas of Central Oregon is a long-term investment that requires consistent focus and support. College students lose momentum to their degree with uncertainty in funding. In the 2025-2026 academic year we projected an incoming cohort of 14

PATH-SC students. Since the discontinuation of the grant, only 7 students have enrolled for classes this academic year.

Conclusion

22. The discontinuances of Oregon State University's MHSP grant undermines OSU's mission as a land grant institution committed to teaching, research, and outreach and engagement, promoting economic, social, cultural, and environmental progress for the people of Oregon, the nation, and the world; as well as the Department's "mission to ensure equal access to education and to promote educational excellence throughout the Nation." 20 U.S.C. § 1228a(a). These discontinuances make it harder to train and secure talent and to fund providers so that our children may access mental health services. To meet budgetary deadlines, OSU and its partners are making difficult decisions in the next few weeks and are already in the process of terminating staff positions that support these Programs, considering loss of services to students, and informing graduate students that they have lost significant tuition assistance. These harms are ongoing and imminent and will be irreparable if they are not stopped.

23. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 30th day of June, 2025, at Corvallis, Oregon.

DocuSigned by:

Irem Tumer

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Irem Tumer
Vice President for Research and Innovation
Oregon State University

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